

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)
)
v.) No. 3:09-CR-0040-01
)
BENJAMIN WHITE)

MEMORANDUM AND ORDER

This case is before the Court on the defendant's *pro se* Motion for Early Termination of Supervised Release [Doc. 46]. The record reflects that the defendant pled guilty to and was convicted of one count of conspiracy to distribute 100 kilograms or more of marijuana in violation of 21 U.S.C. §§ 846 and 841(a)(1). He was sentenced to a term of imprisonment of 24 months, followed by a term of supervised release of five (5) years. Defendant has completed his term of imprisonment and three (3) years and nine (9) months of the term of supervised release. As set forth in his motion, defendant has returned to a strong support system in his parents. He has been employed during his time on supervised release and has complied with all the terms and conditions of his supervision. The government has advised that it has no objection to defendant's motion.

The Probation Office has advised that the defendant has complied with all the conditions and requirements of his term of supervised release. Defendant has not incurred any arrests or violations while on supervised release and his drug screens have been negative. Defendant has served over half of his term of supervision and the supervising probation officer has no objection to the early termination of his supervision.

Defendant moves for early termination of probation pursuant to 18 U.S.C. § 3564(c) which provides:

The court, after considering the factors set forth in section 3553(a) to the extent that they are applicable, may, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, terminate a term of probation previously ordered and discharge the defendant at any time in the case of a misdemeanor or an infraction or at any time after the expiration of one year of probation in the case of a felony, if it is satisfied that such action is warranted by the conduct of the defendant and the interest of justice.

After carefully considering the requirements of the statute, the Court finds the relevant portions of 18 U.S.C. § 3553(a) support an early termination of defendant's probation. In support of this determination, the Court notes that defendant has completed more than half of his term of supervised release; he has been in full compliance with the conditions of his supervised release; he maintains steady employment and a stable residence. In addition, his supervising probation officer does not oppose the request for early termination. It appears to the Court that defendant has rehabilitated himself and he poses no threat to any individual or the community to reoffend. Accordingly, pursuant to 18 U.S.C. § 3564(c), based on the defendant's conduct and the interests of justice, defendant's motion for early termination of probation [Doc. 46] is **GRANTED**. Defendant's term of probation is **TERMINATED**.

IT IS SO ORDERED.

s/ Thomas W. Phillips
SENIOR UNITED STATES DISTRICT JUDGE